

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

DAVID AND BARBARA STULTS,

Plaintiff,

vs.

AMERICAN POPCORN CO., et al.,

Defendants.

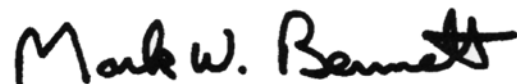
No. C11-4077-MWB

**ORDER REGARDING PLAINTIFF
AND DEFENDANT FIRMENICH,
INC.'S JOINT MOTION TO DISMISS**

This case is before me on plaintiffs David and Barbara Stults and defendant Firmenich, Inc.'s Stipulation for Dismissal of Firmenich, Inc. Only Pursuant To Rule 41(a) With Prejudice, On The Merits and Without Costs (docket no. 124). Although the Stults and Firmenich have labeled their filing as a stipulation for dismissal, presumably pursuant to Rule 41(a)(1), I construe the filing as a motion for voluntary dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(2), because the filing was not signed by all parties who have appeared in the case. *See, e.g., Williams v. Clarke*, 82 F.3d 270, 272 (8th Cir. 1996); *Woody v. City of Duluth*, 176 F.R.D. 310, 313 (D. Minn. 1997). No resistance to the motion has been filed. The Stults and Firmenich's joint motion is granted and the Stults' claims against Firmenich are dismissed with prejudice. The Stults and Firmenich shall each bear their own costs.

IT IS SO ORDERED.

DATED this 9th day of April, 2013.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA